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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Mehryar Garakani

Serial No.: 09/524,725

Filed: March 14, 2000

For: METHOD OF DETERMINING A  
DATA LINK IN A MANAGED NETWORK

Confirmation Number: 8997

Group Art Unit: 2697

Examiner: Christopher M  
Swickhamer.

## DECLARATION OF INVENTOR PURSUANT TO 37 C.F.R. 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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Technology Center 2600

Sir:

I, Mehryar Garakani, declare as follows:

1. I am the named inventor of the above-identified patent application and I am familiar with the claimed invention.
2. Prior to August 31, 1999, I had developed a working version of an embodiment of the invention in the United States, and documented a written description of an embodiment of the invention in the United States.
3. I have reviewed the currently pending claims 1-5, 10-18, and 23-28 of the application, and to the best of my recollection, the working version that I developed and the written documentation that I wrote prior to August 19, 1999 is for an embodiment of the invention that is within the scope of claims 1-5, 10-18, and 23-28. Independent claims 1, 14, 27, and 28 are set forth below:

50325-0088 (1507)

- 1 1. A method for determining a logical path in a managed network between a source  
2 device and a destination device at a data link layer, the method comprising the  
3 computer-implemented steps of:  
4 creating and storing a Connected Group Space representation of network devices  
5 based on a topology space representation of the network devices;  
6 identifying an optimized path in the Connected Group Space representation;  
7 transforming the optimized path into the topology space representation; and  
8 creating and storing the optimized path that was transformed into the topology space  
9 representation as the data link layer path.
- 1 14. A computer-readable medium carrying one or more sequences of instructions for  
2 determining a logical path in a managed network between a source device and a  
3 destination device at a data link layer, wherein execution of the one or more  
4 sequences of instructions by one or more processors causes the one or more  
5 processors to perform the steps of:  
6 creating and storing a Connected Group Space representation of network devices  
7 based on a topology space representation of the network devices;  
8 identifying an optimized path in the Connected Group Space representation;  
9 transforming the optimized path into the topology space representation; and  
10 creating and storing the optimized path that was transformed into the topology space  
11 representation as the data link layer path.

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1 27. A computer data signal embodied in a carrier wave, the computer data signal carrying one or  
2 more sequences of instructions for determining a logical path in a managed network between  
3 a source device and a destination device at a data link layer, wherein execution of the one or  
4 more sequences of instructions by one or more processors causes the one or more processors  
5 to perform the steps of:  
6 creating and storing a Connected Group Space representation of network devices based on a  
7 topology space representation of the network devices;  
8 identifying an optimized path in the Connected Group Space representation;  
9 transforming the optimized path into the topology space representation; and  
10 creating and storing the optimized path that was transformed into the topology space  
11 representation as the data link layer path.

1 28. A computer apparatus comprising:  
2 a processor; and  
3 a memory coupled to the processor, the memory containing one or more sequences of  
4 instructions for determining a logical path in a managed network between a source  
5 device and a destination device at a data link layer, wherein execution of the one or  
6 more sequences of instructions by the processor causes the processor to perform the  
7 steps of:  
8 creating and storing a Connected Group Space representation of network devices  
9 based on a topology space representation of the network devices;  
10 identifying an optimized path in the Connected Group Space representation;  
11 transforming the optimized path into the topology space representation; and  
12 creating and storing the optimized path that was transformed into the topology space  
13 representation as the data link layer path.

4. Attached as Exhibit 1 is a technical document, which is at least part of the written  
documentation that I wrote, and which additionally evidences that I had a working embodiment of

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the above-identified application, before August 19, 1999. Exhibit 1 is an invention disclosure describing the background, summary of operation, and advantages of an embodiment of the claimed invention. Certain dates and names have been redacted from the document of Exhibit 1, as permitted by applicable laws and rules of the U.S. Patent & Trademark Office; however, Exhibit 1 was written long prior to August 19, 1999.

5. I declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Nov 11, 2003

By Mehryar Garakani  
Mehryar Garakani